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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 190 of 2005

Between:

G.Sreeramulu S/o.Veerabasavaiah
Sanitary and Food Inspector, Bhattiprolu G.P. Guntur District.

..... PETITIONER

AND

1 The District Collector, (Panchayat Wing) Guntur District Guntur.
2 The Divisional Panchayat Officer Tenali, Guntur District.
3 The Revenue Divisioanl Officer, Tenali, Guntur District.
4 The Panchayat Secretary Bhattiprolu, Guntur District.
5 The State of A.P. rep. by its Secretary to Govt., Panchayati Raj and Rural

Development Dept. Secretariat Building, Hyderabad.
6 The Commissioner of P.Raj and Employment Government of Andhra Pradesh Urdugalli, Himayatnagar, Hyderabad.
7 T.Laxmi Parvathi Sarpanch, Battiprolu Gram Panchayat, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction in the nature of Mandamus or otherwise declaring the Proceedings Rc.No.4278/04/G3 Dt.27.7.2004 issued by the 1st respondent and consequential Proceedings Roc No.51/04 Dt.4.8.04, issued by the 4th Respondent, as arbitrary, illegal, unconstitutional, violating Art.14, 16 and 21 of the Constitution of India and set aside the same including the orders of the Hon'ble Tribunal in

O.A.No.4489/04 Dt.2.12.2004 and Review MA No.3605/04 Dt.30.12.2004, in the interest of Justice as otherwise the petitioners will be put to irreparable loss and injury.

Counsel for the Petitioner:MR.P.V.KRISHNAIAH

Counsel for the Respondents 1 to 6: GP FOR SERVICES II

Counsel for the Respondent No.7: K.G.Krishna Murthy

The Court made the following :

ORDER: **(Per the Hon'ble Sri Justice B.Seshasayana Reddy)**

This Writ Petition is filed questioning the order dated 2-12-2004 passed in O.A.No. 4489 of 2004 and order dated 30-12-2004 passed in Review M.A.No.3605 of 2004, on the file of the Andhra Pradesh Administrative Tribunal, whereby the learned Tribunal dismissed the O.A. and also Review M.A.

2. The writ petitioner was working as Sanitary Inspector in Bhattiprolu Grampanchayath of Guntur District. 7th respondent herein is the Sarpanch of Battiprolu Gram Panchayath, Guntur District. On 3-10-2003 the Writ Petitioner is alleged to have submitted a representation to the Government seeking transfer from Battiprolu Grampanchayath. The said representation came to be forwarded to the Collector for taking appropriate action. The District Collector under Proceedings 4278/04/G3, dated 27-7-2004 transferred the Writ Petitioner from Bhattiprolu Grampanchayath to Buggirala Grampanchayat. Accordingly the Panchayath Secretary, Bhattiprolu, relieved the writ petitioner as Sanitary Inspector on 4-8-2004. Questioning the transfer order the Writ Petitioner has filed O.A.No.4489 of 2004 before the Administrative Tribunal, Hyderabad.

3. The main grievance of the Writ Petitioner is that he did not send any representation seeking his transfer and that it was sent at the behest of the Sarpanch of the village, who is hostile to him.

4. The official respondents filed counter denying the O.A. averments. It is stated by the official respondents that the representation of the Writ Petitioner came to be forwarded to District Collector (Panchayat Wing) who acted on the said

representation and effected transfer.

5. The learned Tribunal, considering the material brought on record and on hearing counsel for both the parties, dismissed the O.A. by order dated 21-2-2004. Subsequently, the Writ Petitioner filed a review M.A.No.3605 of 2004, which also came to be dismissed on 30-23-3004. Hence, this Writ Petition assailing the orders of the Administrative Tribunal.

6. The learned counsel appearing for the writ petitioner vehemently contended that the representation dated 3-10-2003 was not sent by the writ petitioner and it was fabricated by the Sarpanch, the 7th respondent herein, since the writ petitioner stood as obstacle to her illegal activities.

7. The learned Government Pleader for Services-II submits that the transfer was effected solely basing on the representation submitted by the writ petitioner and no other factor was taken into consideration.

8. We have gone through the original records. The original records contain photo-stat copy of the representation alleged to have been sent by the writ petitioner. The signature appearing on the photo-stat copy of the representation and the signature appearing on writ affidavit and Vakalathnama appear to be similar and they are of one and the same person to the naked eye.

9. The argument advanced by the learned counsel for the writ petitioner is that some one obtained the signature of the writ petitioner available on the record and got it photo copied and used for the same, for submitting the representation. We express our inability to accede to the contention of the learned counsel for the petitioner. The Tribunal after going through the record observed in paras 13 to 15 as follows:

> *"13) After hearing all the counsel, the undisputed facts that emerged are that the Applicant completed six years of duty as Sanitary Inspector in Bhattiprolu Gram Panchayat. He was transferred through the impugned orders of the District Collector, dated 27-7-2004 and posted to Duggirala Gram Panchayath. Such a transfer cannot be called a malafide one. The applicant's seniority or promotional chances and other service conditions will in no way be effected. In fact, no where it was established that the post of Sanitary Inspector at Duggirala is a lower grade post. Even without reference to the controversy relating to the representation alleged to have been made by the Applicant, dated 3-10-2003, the Applicant is liable*

for transfer immediately after completion of four years, and when he had completed six years, he cannot have any complaint against the impugned orders.

14)Further, it is seen from the counter filed by the Sarpanch that an enquiry was conducted by the District Panchayat Officer into the allegations made against the Applicant which were said to have been proved.

15) It is also seen that the orders of transfer were issued by the District Collector, Panchayat Wing. If the Applicant is aggrieved, he ought to have approached the Commissioner of Panchayath Raj by way of appeal before invoking the jurisdiction of this tribunal. Further, it is also not disputed that the Applicant was relieved from duty on 4-8-2004 itself as the interim orders were issued only on 6-8-2004".

10. The petitioner who had been working for more than six years in Bhattiprolu Grampanchayat as Sanitary Inspector allegedly submitted representation seeking transfer on the ground of ill health of his mother. In such a situation, he has no right to seek direction to the authorities to continue him in the same place of work i.e. Bhattiprolu Grampanchayat. No Government servant or employee of a public undertaking has any legal right to be posted for ever at any particular place or place of his choice since transfer of a particular employee appointed to the class or category of transferable posts from one place to other is not only an incident but a condition of service, necessary too in public interest and efficiency in the public administration.

11. Thus, we do not see any valid ground to interfere with the impugned order.

12. Accordingly, the writ petition is dismissed. No order as to costs.

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G.Bikshapathy, J.

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B.Seshasayana Reddy,J

4th March, 2005

KM

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, (Panchayat Wing) Guntur District Guntur.
2 The Divisional Panchayat Officer Tenali, Guntur District.
3 The Revenue Divisioanl Officer, Tenali, Guntur District.
4 The Panchayat Secretary Bhattirolu, Guntur District.
5 The Secretary to Govt., the State of A.P. Panchayati Raj and Rural

Development Dept. Secretariat Building, Hyderabad.
6 The Commissioner of P.Raj and Employment Government of Andhra Pradesh Urdugalli, Himayatnagar, Hyderabad.
7 T.Laxmi Parvathi Sarpanch, Battiprolu Gram Panchayat, Guntur District.

8. 2 CCs to G.P. for Services-II, High Court Buildings, Hyderabad (OUT)

9 2 CD copies

10. The Registrar, A.P. Administrative Tribunal, Hyderabad.

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 190 of 2005

(per BSSRJ)

4th March, 2005